

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER QUALITY
SEPTEMBER 6, 2017**

ITEM 5

SUBJECT

PUBLIC HEARING ON (1) PROPOSED AMENDMENTS TO THE WATER QUALITY CONTROL PLAN FOR OCEAN WATERS OF CALIFORNIA, AND THE FORTHCOMING WATER QUALITY CONTROL PLAN FOR INLAND SURFACE WATERS, ENCLOSED BAYS, AND ESTUARIES OF CALIFORNIA TO INCLUDE THE STATEWIDE WETLAND DEFINITION AND PROCEDURES FOR DISCHARGES OF DREDGED OR FILL MATERIALS TO WATERS OF THE STATE, AND (2) THE DRAFT STAFF REPORT, INCLUDING THE DRAFT SUBSTITUTE ENVIRONMENTAL DOCUMENTATION

DISCUSSION

The Procedures consist of the following components: (1) a wetland definition; (2) a framework for determining if a feature that meets the wetland definition is a water of the state; (3) wetland delineation procedures; and (4) procedures for application submittal, and the review and approval of Water Quality Certifications, Waste Discharge Requirements, and waivers of Waste Discharge Requirements for dredged or fill activities (henceforth collectively referred to as Orders).

POLICY ISSUE

The Procedures have been developed to address several important issues. First, there is need to strengthen protections for waters of the state that are no longer protected under the Clean Water Act (CWA) due to U.S. Supreme Court decisions, as the Water Boards have historically relied on CWA protections in dredged or fill discharge permitting practices. Second, there is inconsistency across the Water Boards in requirements for discharges of dredged or fill material into waters of the state, including wetlands. There is no single accepted definition of wetlands at the state level, and the Water Boards may have different requirements and levels of analysis with regard to the issuance of dredged or fill Orders. Third, current regulations have not been adequate to prevent losses in the quantity and quality of wetlands in California, where there have already been profound historical losses of wetlands.

At this time, a hearing for public comment on the [proposed amendments](#) is requested. Final direction from the Board is also requested; however, no decisions regarding the amendments themselves are proposed at this time.

FISCAL IMPACT

There will be no fiscal impact at this time, as the issue solely pertains to a hearing for public comment.

REGIONAL BOARD IMPACT

There will be no Regional Board impact at this time, as the issue solely pertains to a hearing for public comment.

STAFF RECOMMENDATION

No staff recommendation will be made at this time, as the issue solely pertains to a hearing for public comment.

State Water Board action on this item will assist the Water Boards in the following goals of the Strategic Plan Update: 2008-2012:

Objective 1.3.: take appropriate enforcement actions and innovative approaches as needed to protect and restore all surface waters;

Objective 4.1.: Prepare, as a part of the California Water Plan, a comprehensive California Water Quality Plan to help guide the State's water management activities, including protection and restoration of water quality through the integration of statewide policies and plans, regional water quality control plans (Basin Plans), and the potential effects of climate change on water quality and supply;

Objective 6.1.: Target consistency improvements in process and policy for Water Board enforcement activities to promote compliance;

Objective 6.2.: Target consistency improvements in program delivery identified through past input, and solicit input to identify consistency issues as they arise;